UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>21 July 2009</u>.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-27</u> is/are pending in the application.
    4a) Of the above claim(s) <u>7</u> is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1-6 and 8-27</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Status of claims

1.   Claims 1-6 and 8-27 are pending.

2.   Claims 10, 19, 20, 23 and 25 have been amended.

3.   Claim 7 has been cancelled.

4.   Claim 27 has been added.

Response to Arguments

5.   Applicant's arguments with respect to claims 1-26 have been considered but are

moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims 1, 2, 5, 8, 10-15, 18 and 27 are rejected under 35 U.S.C. 103(a) as being

obvious over U.S. Patent Number 6,647,260 (Dusse et al.) in view of European Patent

Application Number EP 1 262 931 A1 (Kaebling).

8.   Regarding claims 1 and 27, Dusse teaches a mobile terminal **[Figure 3, # 300]**,

comprising: a display screen **[Figure 3, # 308]** ; an input system for receiving user input

[Figure 3, # 306, Keypad]; a wireless communications subsystem **[Figure 3, # 328,**

wireless control protocol]; a processor **[Figure 3, # 302]**; memory storing computer

executable instructions that, when executed by the processor, cause the mobile

terminal to perform a method for retrieving data from a server **[Figure 3, # 312, column 6, lines 1-3]**, comprising: (i) loading a local client executable application for decoding a coded short text messaging system message; (ii) receiving the coded short text messaging system message from a content provider via the wireless communication subsystem **[Figure 5, see client module connected to message receive module # 512, and message send module # 520]. [Figure 1, # 100 – mobile and #102 - display, column 4, lines 6-27]**. But Dusse does not teach that the coded short text messaging system message comprises compressed data not understandable to a user of the mobile terminal; the local client executable application decoding the received short text messaging system message to translate the received data into a human understandable format; and displaying the decoded information on the display screen. Kaebling teaches a system and method for improvements in text messaging **[Title]**, whereby reduction of message length can be achieved by applying mathematical information compression techniques **[Column 2, paragraph 0009]**, and that they are characteristically incomprehensible in their compressed form to human readers **[Column 2, paragraph 0010]**. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the compression technique disclosed by Kaebling into the web-based provisioning method of Dusse in order to make use of the available bandwidth.

9.   Regarding claim 2, Dusse further teaches that the received short text messaging system message comprises a plurality of short codes to identify individual fields of data **[Column 5, lines 51-55]**.

10.   Regarding claim 5, Dusse teaches that the local client executable application

comprises executable code **[Column 6, lines 14-20; i.e. mobile device includes a**

client module that performs many of the processing tasks performed by mobile

device including: establishing a communication session with a proxy server

device, operating and maintaining a resident address book, displaying

information on a display screen thereof, and receiving user input from keypad].

11.   Regarding claim 8, Dusse further teaches that the short text messaging system

comprises SMS **[Column 8, line 33-37]**.

12.   Regarding claim 10 – 13, Dusse teaches a computer readable medium storing a

client application in the form of computer executable instructions that, when executed,

cause a mobile terminal to perform a method for receiving information relating to a

selected topic, comprising: (i) querying a user of the mobile terminal to select one of a

push or pull mode of operation **[Figure 7B, column 8, lines 34-38]**; (ii) when the user

selects the push mode of operation: displaying a plurality of menus to allow the user to

identify desired information regarding which the user would like to remain updated

[Figure 7B, column 3, lines 24-51; and Figure 2, # 208], to identify one or more

criteria specifying how often the user would like to receive updates; generating a coded

short text messaging system message based on the user's selection of the push mode

of operation, and further based on the user's selections regarding desired information,

criteria, and number of prepaid messages; and outputting the short text messaging

system message for sending to a content provider associated with the client application

via a wireless telecommunications network **[Column 5, lines 15-30]**. But Dusse fails to

teach that generating and translating a coded short message that is in a human understandable format into a coded data format not understandable to the user of the mobile terminal. Kaebling teaches a method for generating a message in short codes **[Page 3, paragraph 0013; i.e. CUL8R]**, compressing the message into a format incomprehensible to human readers prior to transmission **[Page 2, paragraph 0010]**. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the system of Kaebling in the method of Dusse in order to reduce the size of the message.

13.   Regarding claims 14 and 15, Kaebling further teaches a text messaging program having a code book table **[Column 5, paragraph 0027]**.

14.   Regarding claim 18, Dusse further teaches that the short text messaging system comprises SMS **[Column 8, line 33-37]**.

15.   Claims 3, 4, 16 and 17 are rejected under 35 U.S.C. 103(a) as being obvious over U.S. Patent Number 6,647,260 (Dusse et al.) in view of European Patent Application Number EP 1 262 931 A1 (Kaebling) and further in view of U.S. Patent Number 5,944,790 (Levy).

16.   Regarding claims 3, 4, 16 and 17, Dusse and Kaebling has been discussed above. What the combination of Dusse and Kaebling fail to teach is that the human understandable format comprises text in a native language of a user of the mobile terminal. Levy teaches a method and apparatus for providing a web site having a home page that automatically adapts to user language and customs, whereby a World Wide Web home page can be responded to with a home page adapted to the language or

dialect that is most likely to match the native language or dialect of the user **[Abstract]**.

Levy further teaches that the human understandable format comprises graphics **[Figure

4, # 402]**. Therefore, it would have been obvious to a person of ordinary skill in the art at

the time the invention was made to include the translation system of Levy in the overall

method of Dusse and Kaebling in order to facilitate understanding of data to a myriad of

users.

17.   Claim 25 are rejected under 35 U.S.C. 103(a) as being obvious over U.S. Patent

Application Publication Number 2004/0210479 (Perkowski et al.) in view of European

patent Application Number EP 1 262 931 A1 (Kaebling).

8.   Regarding claim 25, Perkowski teaches a method of providing information via a

micro band channel to a mobile device **[Figure 3A6, mobile device]**, comprising:

advertising for sale a predetermined number of coded micro band messages

corresponding to a predetermined event; receiving payment from a first user for the

predetermined number of micro band messages **[Page 125, paragraph 1310, i.e. SMS

messages]**, updating a database based on the predetermined number of messages

[Page 184, paragraph 0439]. But Perkowski does not specifically teach that the coded

messages comprise a text message that has been coded from human understandable

format into coded data format that is not understandable to a user of the mobile

terminal. Kaebling teaches a system and method for improvements in text messaging

[Title], whereby reduction of message length can be achieved by applying

mathematical information compression techniques **[Column 2, paragraph 0009]**, and

that they are characteristically incomprehensible in their compressed form to human

readers **[Column 2, paragraph 0010]**. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the compression technique disclosed by Kaebling into the internet-based brand marketing communication system of Perkowski in order to make use of the available bandwidth.

9.   Claim 6 and 9 are rejected under 35 U.S.C. 103(a) as being obvious over U.S. Patent Number 6,647,260 (Dusse et al.) in view of European Patent Application Number EP 1 262 931 A1 (Kaebling) and further in view of U.S. Patent Application Publication Number 2005/0114798 (Jiang et al.).

10.   Regarding claims 6 and 9, Dusse and Kaebling has been discussed above. But Dusse and Kaebling fail to teach flushing from the memory of the mobile terminal information decoded from the coded short text messaging system messages or that the executable code is in Java. Jian teaches a back button in mobile application whereby historical record serves as a backup that allows the user to restore his album if the Yahoo!Photos program is erased **[Page 6, paragraph 0067]**. Jian also teaches that that back button in mobile applications where the functionality and profile of each mobile device are implemented using a Java 2 Micro Edition (J2ME.TM.) platform **[Page 2, paragraph 0018]**. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the system of Jiang in the combined methods of Dusse and Kaebling in order to make room for new data, and to facilitate cross platform applications.

11.   Claims 19-24 is rejected under 35 U.S.C. 103(a) as being obvious over U.S. Patent Number 6,647,260 (Dusse et al.) in view of European Patent Application Number

EP 1 262 931 A1 (Kaebling) and further in view of U.S. Patent Number 6,782,253

(Shetyn et al.).

12.   Regarding claim 19, Dusse teaches a method for distributing selected

information to a user of a mobile terminal **[Figure 3, # 300]**, comprising: receiving at a

processor, a first message originating from the mobile terminal sent, wherein the first

message **[Figure 3, # 312, column 6, lines 1-3]**; querying by the processor a content

provider database for the desired information and generating by the processor a second

message comprising coded data corresponding to the desired information **[Figure 5,**

column 7, lines 3-41]. But Dusse neither teaches that the second message comprises

translating data that is in a human understandable format into a coded data format that

is not understandable to the user of the mobile terminal, nor sending the second

message to the mobile terminal the second message to the mobile over the

asynchronous connectionless-based channel. Kaebling teaches a system and method

for improvements in text messaging **[Title]**, whereby reduction of message length can

be achieved by applying mathematical information compression techniques **[Column 2,**

paragraph 0009], and that they are characteristically incomprehensible in their

compressed form to human readers **[Column 2, paragraph 0010]**; and Shetyn teaches

a mobile micro portal whereby a facilitation signal is coded, e.g., onto the DVD itself.

The user receives this facilitation signal on his/her Bluetooth-equipped cell phone, e.g.,

as a simple paging or SMS text file **[Column 5, lines 36-47]**. Therefore, it would have

been obvious to a person of ordinary skill in the art at the time the invention was made

to include the compression technique disclosed by Kaebling and system of Shetyn in

the method of Dusse in order to capture a message from proximate users, and to make

use of the available bandwidth.

13.   Regarding claim 20, Dusse further teaches when to send message and number

of prepaid messages **[Columns 7 & 8, lines 63-67 and 1-4]**.

14.   Regarding claim 21, Dusse further teaches that when the one or more criteria

(i.e. when to send a prepaid message – see claim 20 above) are met: generate a

coded message and translate it to a message not understandable to a human **[Column

2, paragraphs 0009-0010 – Kaebling]** and transmit the message over an

asynchronous connectionless-based channel **[Column 5, lines 36-47 – Shetyn]**.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time

the invention was made to include the compression technique disclosed by Kaebling

and system of Shetyn in the method of Dusse in order to capture a message from

proximate users, and to make use of the available bandwidth.

15.   Regarding claims 22 and 24, Dusse further teaches that the short text

messaging system comprises SMS **[Column 8, line 33-37]**.

16.   Regarding claim 23, Dusse further teaches that determining whether prepayment

has been received for the response SMS message, and reverse billing the SMS

response message to the mobile terminal when prepayment has been received

**[Column 5, line 15-30; i.e. the provisioning request may contain the accounting

information, e.g. credit card information (i.e. prepayment), and that the user may

be provided with periodic status updates relating to the processing of the

provisioning request]**.

17.   Claim 26 is rejected under 35 U.S.C. 103(a) as being obvious over U.S. Patent

Application Publication Number 2004/0210479 (Perkowski et al.) in view of U.S. Patent

Application Publication Number 2004/0203338 (Zilliacus).

18.   Regarding claim 26, Perkowski has been discussed above in regard to claim 25.

But Perkowski fails to teach that the predetermined number of messages comprises all

messages corresponding to the predetermined event. Zilliacus teaches a selection and

tuning of a broadcast channel based on interactive service information whereby a

broadcast information may be stored locally in mobile terminal, either as an integrated

application, e.g. a MIDlet, which conforms to J2ME (Java 2 Micro Edition) APIs, or as a

calendar event that notifies the viewer that the show is starting **[Page 3, paragraph**

0030]. Therefore, it would have been obvious to a person of ordinary skill in the art at

the time the invention was made to include the system of Zilliacus in the method of

Perkowski in order to keep the user informed of any upcoming events.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to ISAAK R. JAMA whose telephone number is (571)270-

5887. The examiner can normally be reached on 7:30 - 5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Lester G. Kincaid can be reached on (571) 272-7922. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/IRJ/

/Lester Kincaid/
Supervisory Patent Examiner, Art Unit 2617